

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MIKAEL R. COLES,

Petitioner,

v.

TAMMY FERGUSON, *et al.*,

Respondents.

CIVIL ACTION

No. 5:17-cv-01959-WB

FILED

DEC 17 2018

By KATE BARKMAN, Clerk  
Deb Clerk

O R D E R

AND NOW, this 19<sup>th</sup> day of December, 2018, upon careful and

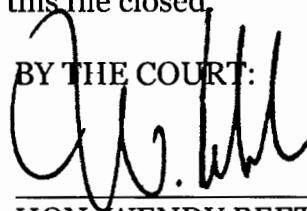
independent consideration of Mikael R. Coles' petition for writ of habeas corpus and memorandum (Doc. No. 1, Attach. 1, 2), the Respondents' response in opposition (Doc. No. 6), Coles' reply thereto (Doc. No. 10), and the Report and Recommendation of U.S. Magistrate Judge Richard A. Lloret (Doc. No. 11), it is **ORDERED** that:

1. The Report and Recommendation of Magistrate Judge Richard A. Lloret is **APPROVED** and **ADOPTED**;
2. Coles' Petition for Writ of Habeas Corpus is **DENIED** and **DISMISSED** with prejudice by separate Judgment, filed contemporaneously with this Order. *See* Federal Rule of Civil Procedure 58(a); Rules Governing Section 2254 Cases in the United States District Courts, Rule 12;
3. No certificate of appealability shall issue under 28 U.S.C. § 2253(c)(1)(A) because "the applicant has [not] made a substantial showing of the denial of a constitutional right[,]" under 28 U.S.C. § 2253(c)(2), since he has not demonstrated that "reasonable jurists" would find my "assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see United States v. Cepero*, 224 F.3d 256, 262-63 (3d

Cir. 2000), abrogated on other grounds by *Gonzalez v. Thaler*, 565 U.S. 134 (2012); and

4. The Clerk of Courts shall mark this file closed.

BY THE COURT:



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HON. WENDY BEETLESTONE  
U.S. DISTRICT JUDGE